

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 320 - SB 854

March 2, 2009

SUMMARY OF BILL: Authorizes a relative of a child to petition the court to be declared a de facto custodian and seek temporary custody of the child if the parent removes or threatens to remove the child from the home of the relative after the child has lived there for a period of at least 12 months. Establishes standards and criteria in which the relative shall be declared the de facto custodian and may be awarded temporary or joint custody.

ESTIMATED FISCAL IMPACT:

Increase State Revenue - Not Significant
Increase State Expenditures - Not Significant

Increase Local Revenue - Not Significant
Increase Local Expenditures - Not Significant

Assumptions:

- A small increase in cases in the court system, which will result in additional state and local government expenditures for processing the cases and additional state and local government revenue from fees, taxes and costs collected. These expenditures and revenue are estimated to be not significant.
- The Child Support Program currently provides for payment of child support, from persons ordered to make child support payments, to non-parent caretakers with either physical or legal custody of a child rather than a parent. The proposed legislation will not result in a change to current practice.
- Any cost incurred by the Department of Children's Services (DCS) can be accommodated within existing resources without an increased appropriation or reduced reversion.
- Should the provisions of the proposed legislation result in DCS being in non-compliance with the child and parent reunification requirements as established by the Adoption and Safe Families Act, the Department could be in jeopardy of losing \$89,326,500 in federal funds.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James W. White". The signature is written in a cursive style with a large initial "J" and a distinct "W".

James W. White, Executive Director

/kml